

Plaintiffs Edge Capture L.L.C. and Edge Specialists, L.L.C. (collectively “Edge”) respectfully move the Court for an order allowing Dr. Israel Nelken: (1) access to a four-page, high-level flowchart produced by defendants Wolverine Trading L.L.C. and Wolverine Execution Services, L.L.C. (collectively “Wolverine”) as part of their Local Patent Rule 2.1 Initial Disclosures; and (2) to attend the Fed R. Civ. P. 30(b)(6) deposition of Wolverine on topics relating to the five trades cited in the Amended Complaint and to the system(s) that engaged in those trades.

This motion is made pursuant to instructions from the Court at the September 27, 2011 status conferences that if, during the initial disclosure phase of the case, information to which Edge feels that Dr. Nelken should be allowed access is marked Highly Confidential, then Edge is to bring that matter “to [the Court’s] attention.” Tr. of Sept. 27, 2011 Hearing at 69-70. Dr. Nelken is bound by the Agreed Protective Order in this case, and there is no credible risk to Defendants of inadvertent disclosure of the alleged Highly Confidential information.

Pursuant to Local Rule 37.2, Plaintiffs’ counsel met and conferred with Wolverine’s counsel as to the issues raised herein both through correspondence (*see, e.g.*, Exhibits A and B) and by a teleconference, which occurred on November 15, 2011. The parties were unable to resolve their disagreement.

Respectfully submitted,

Dated: November 21, 2011

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on November 21, 2011, he caused a true and correct copy of **MOTION FOR MODIFICATION OF THE AGREED SCHEDULING ORDER** to be served on the below parties through the CM/ECF system:

| | |
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